Remarks

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-41 are pending in this application. Claims 1, 12, 24, 29 and 41 are independent. No claims have been allowed. However, the Action has indicated that dependent claims 7, 34, 39 and 40 may be allowed if rewritten in independent form including all of the limitations of their respective base claim and any intervening claims. Claims 1, 3, 5-10, 12, 18-19, 24, 29, 33-35, 37, 40-41 have been amended. Claims 4, 17, and 32 have been canceled.

Cited Art

The Action cites U.S. Pat. No. 6,469,991 B1 to Chuah ("Chuah"), U.S. Pat. No. 5,457,687 to Newman ("Newman") and U.S. Pat. No. 6,295,294 B1 to Odlyzko ("Odlyzko").

112 REJECTIONS

The Action rejected claims 1-11, 12-23, 24-28, 29-40, and 41-43 under 35 U.S.C. 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The purpose of determining at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets

The Action enquired "In claims 1, 12, 24, 29 and 41 what is the purpose of determining at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets?" The claims in question have been amended as follows to address this enquiry.

As amended, claim 1 is directed to a computer implemented method for alleviating congestion in a network with an aggregate of related channels by selecting at least one of the related channels to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 1 recites as follows:

A computer-implemented method comprising:

> receiving a signal indicative of an occurrence of an ECN event caused by congestion within at least one channel of a plurality of related channels during transmission of packets from a source protocol layer to a destination via a network; wherein the signal indicating the ECN event is detectable in the source, the destination and the network; and
> based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion.

As amended, claim 12 is directed to a computerized system which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels other than the congested channel to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 12 recites as follows:

A computerized system comprising:

a network layer having a plurality of related channels therethrough, and triggering an ECN event in response to congestion within one of the plurality of related channels, during transmission of a packet from a source protocol layer to a destination having a destination protocol layer, wherein the triggered ECN event is detectable at the source, and the destination; and,

a policy mechanism to determine at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets therethrough based on the ECN event for alleviating the congestion.

As amended, claim 24 is directed to a computer to execute a program which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels other than the congested channel to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 24 recites as follows:

A computer comprising:

a processor;

a computer-readable medium;

a protocol layer having a plurality of related channels including a congested channel;

a congestion policy program executed by the processor from the medium, wherein the congestion policy program is responsive to an ECN event triggered within the congested channel due to a congestion during transmission of packets from a source to a destination and wherein the ECN event is detectable within the source and the destination for determining at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets therethrough based on an ECN event triggered within the congested channel to alleviate the congestion.

As amended, claim 29 is directed to machine-readable medium for causing the performance of a method which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 29 recites as follows:

A machine-readable medium having processor instructions stored thereon for execution by a processor, the medium causing performance of a method comprising:

receiving feedback of the ECN event triggered due to a congestion occurrence in one of a plurality of related channels during transmission of a packet from a source protocol

layer to a destination protocol layer via a network, wherein the feedback is detectable at the source and the destination; and,

    determining at least one channel to have decreased packets transmitted therethrough, based on the ECN event for alleviating the congestion.

As amended, claim 41 is directed to a computer which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 41 recites as follows:

A computer comprising:
    a source protocol layer;
    a plurality of filters;
    a plurality of channels, each channel associated with a filter and related to the other channels; and,
    a policy mechanism responsive to an ECN event triggered due to a congestion during transmission of packets from the source protocol layer to a destination protocol layer via a network layer, wherein the ECN event is detectable within the source protocol layer and the destination protocol layer for determining, based on the ECN event, at least one channel of the plurality of channels to have decreased packets transmitted therethrough from the source protocol layer through the plurality of filters to alleviate the congestion.

In order to address the Action's enquiry as "to the purpose of determining at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets" claims 1, 12, 24, 29 and 41 have been amended to clearly indicate that the purpose is "for alleviating" or "to alleviate" the congestion during transmission of packets within a network with an aggregate of related channels. In fact, the specification addresses this manner of addressing congestion at page 3, lns 8-14 as follows:

Furthermore, in the embodiment of the invention where there a plurality of related channels, in effect all these channels become aware of the congestion on any one thereof—that is, even if the congestion is occurring on a particular one of the channels, the situation can be alleviated by decreasing traffic on a different one or more of the channels. This means if a relatively important channel is causing the congestion, congestion can be alleviated not by decreasing transmission through this channel, but rather by decreasing transmission through another, less important, related channel.

In light of the amendments and the remarks above, "the purpose of determining at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets" should be clear.

Meaning of ECN event

The Action required the applicants to "specify what the ECN event means in each claim wherein the "ECN event" is disclosed. As the amended claims 1, 12, 24, 29 and 41 now clearly indicate "ECN event" is a notification message that is triggered or caused by the occurrence of "a congestion ...during transmission of a packet." Also, the specification clearly defines at least one embodiment of the ECN event as follows at page 18, lns 16-23:

> In 402, an ECN event is triggered by the packet at the network. The packet, in being transmitted from the source protocol layer of the source through the network, is thus congesting the network, causing the network in response to indicate this by generating an ECN event. The manner by which the ECN event is triggered is also not limited by the invention. Thus, the ECN event can be triggered in accordance with a congestion pricing criteria, as is described in the next section of the detailed description, and can result in a marking of one of at least one bit of the data packet that triggered the ECN, by the network.

Thus, in light of the amendments to the independent claims as listed above and the remarks above indicating the meaning of an "ECN event" with support from the specification, the meaning of this term as required by the Action should now be clear.

Objection to claims 8 and 35

The Action enquired "In claims 8 and 35, What does it mean by determining at least one channel at the computer program.?" Claim 8 has now been amended to recite as follows:

> The method of claim 1, wherein receiving the signal indicative of the ECN event occurrence comprises receiving the signal at a computer program at the source and determining the at least one channel to have decreased packets transmitted therethrough is implemented by the computer program at the source.

Claim 35 has now been amended to recite as follows:

> The medium of claim 29, wherein receiving feedback of the ECN event comprises receiving feedback at a computer program at the source and determining at least one channel to have decreased packets transmitted therethrough is implemented by the computer program at the source.

Thus in light of the amendments to claims 8 and 35 as indicated above, the question posed by the Action regarding the original claims 8 and 35 as noted above should be moot.

Claims 2-11, 13-19, 25-28, 30-40, 42 and 43

In light of the amendments to independent claims 1, 12, 24, 29 and 41 and the remarks regarding these claims above, the dependent claims 2-11, 13-19, 25-28, 30-40, 42 and 43 should also be in condition to overcome the rejection under 35 U.S.C. 112.

SECTION 103 REJECTIONS

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. (*See,* MPEP § 2143.01.)

Patentability of claims 1, 3-6, 9-21, 24-27, 29, 31-33, 36-38 and 41 over Chuah in view of Newman under 103 (a)

The Action rejects claims 1, 3-6, 9-21, 24-27, 29, 31-33, 36-38 and 41 under 35 U.S.C 103(a) as unpatentable over Chuah in view of Newman. Applicants respectfully submit the claims 1, 3-6, 9-21, 24-27, 29, 31-33, 36-38 and 41 in their present form are allowable over the cited art.

Claim 1

As amended, claim 1 is directed to a computer implemented method for alleviating congestion in a network with an aggregate of related channels by selecting at least one of the related channels to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 1 recites as follows:

A computer-implemented method comprising:

receiving a signal indicative of an occurrence of an ECN event caused by congestion within at least one channel of a plurality of related channels during transmission of packets from a source protocol layer to a destination via a network, wherein the signal indicating the ECN event is detectable in the source, the destination and the network; and

based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion.

Chuah's description of a base station sending a flow control signal does not teach or suggest "receiving <u>a signal indicative of an occurrence of an ECN event caused by congestion</u> within at least one channel of a plurality of related channels during transmission of packets from a source protocol layer to a destination via a network; <u>wherein the signal indicating the ECN event is detectable in the source, the destination and the network; and based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion.</u>" (Emphasis added) The Action relies on the Abstract section of Chuah's specification which recites as follows:

> If the downlink/uplink buffer occupancy of the network has exceeded a high threshold, the base station determines if this is caused by a specific remote host or by a group of remote hosts. If caused by a specific remote host, the base station normally sends a flow control signal to the remote host to prevent it from sending more data, but may alternatively elect to disconnect other remotes if the remote experiencing bad performance is of a higher priority.

First of all, the flow control signal taught by Chuah is not "a signal indicative of an occurrence of an ECN event caused by congestion" as recited in claim 1. More particularly, the flow control signal of Chuah is only sent "to the remote host to prevent it from sending more data" which does not teach or suggest "a signal indicative of an occurrence of an ECN event caused by congestion" as recited in claim 1. Also, Chuah does not teach or suggest "<u>based on the signal indicating the ECN event occurrence,</u> determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion" because the flow control signal as taught by Chuah is not used to determine anything at all. (Emphasis added) Instead, flow control signal according to Chuah is sent "to the remote host to prevent it from sending more data." (*See,* Chuah Abstract).

Furthermore, Chuah does not teach or suggest "a signal indicative of an occurrence of an ECN event caused by congestion... <u>wherein the signal indicating the ECN event is detectable in the source, the destination and the network.</u>" (Emphasis added). Instead, the flow control signal taught by Chuah is only sent back "to the remote host" (source), which does not teach or suggest "a signal ... <u>wherein the signal indicating the ECN event is detectable in the source, the destination and the network</u>" as recited in claim 1. (*See,* Chuah Abstract).

Newman's description of a backward explicit congestion notification being sent back to a source of virtual channels does not lead one to "a signal indicative of an occurrence of an ECN event caused by congestion within at least one channel of a plurality of related channels during transmission of packets from a source protocol layer to a destination via a network; wherein the signal indicating the ECN event is detectable in the source, the destination and the network; and based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion." (Emphasis added). The Action relies on Newman which describes a backward explicit congestion notification (BECN) in the Abstract section of the specification as follows:

> When congestion occurs, for example, a queue exceeds a threshold, a request is made to send congestion signals, in the form of backward explicit congestion notification (BECN) cells back to the sources of the virtual channels currently submitting traffic to the queue. On receipt of a BECN cell on a particular virtual channel, a source reduces it transmission rate for the indicated virtual channel. If no BECN cells are received on a particular virtual channel for a certain period of time, a source may gradually restore its transmission rate.

The backward explicit congestion notification taught by Newman is "backward" and thus, restricted to notifying only the "sources of the virtual channels currently submitting traffic to the queue." (See, Newman Abstract) Such a backward explicit congestion notification (BECN) does not teach or suggest "a signal indicative of an occurrence of an ECN event caused by congestion... wherein the signal indicating the ECN event is detectable in the source, the destination and the network." (Emphasis added). This is an important distinction because the "a signal indicative of an occurrence of an ECN event ... wherein the signal indicating the ECN event is detectable in the source, the destination and the network" is therefore detectable throughout the wider network and allows the "determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion" to be accomplished anywhere including the network layer and the destination layer. In fact, the specification at page 20, lns 1-4 describes this novel approach as follows:

> In one embodiment, the determination is made by a policy mechanism, as has been described, which resides at one of the source, the destination and the network. Thus, the determination is made by the one of the source, the destination and the network as well.

At page 12, ln 23 – page 13, ln 2, the specification further comments on the location of the policy mechanism making the determination of the channels to reduce transmission of packets as follows:

> Thus, as shown in FIG. 2, dotted lines extend from the policy mechanism 224 to each of the source 200, the destination 204, and the network layer 206, to indicate that the policy mechanism is able to reside in any of them.

Furthermore, Newman does not by itself or in combination with Chuah teach or suggest "receiving a signal indicative of an occurrence of an ECN event caused by congestion within at least one channel of a plurality of related channels during transmission of packets from a source protocol layer to a destination via a network; wherein the signal indicating the ECN event is detectable in the source, the destination and the network; and based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion." (Emphasis added) The backward explicit congestion notification (BECN) described in Newman is restricted to notifying only the "sources of the virtual channels currently submitting traffic to the queue" and "on receipt of a BECN cell on a particular virtual channel, a source reduces it transmission rate for the indicated virtual channel" this does not teach or suggest "based on the signal indicating the ECN event occurrence, determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion." This is so because according to Newman any alleviating of the congestion can only be achieved by reducing transmission rate on the channel causing the congestion. Accordingly, Newman has no need for and thus does teach "determining at least one channel to have decreased packets transmitted therethrough for alleviating the congestion" as recited in claim 1.

Since the cited references, individually or when combined, fail to describe at least one feature recited in claim 1, Applicants believe claim 1 as amended is not subject to a 103(a) rejection and request the objection be withdrawn. Thus, claim 1 should be allowable over the cited art.

Claim 12

As amended, claim 12 is directed to a computerized system which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels other than the congested channel to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 12 recites as follows:

A computerized system comprising:

a network layer having a plurality of related channels therethrough, and triggering an ECN event in response to congestion within one of the plurality of related channels during transmission of a packet from a source protocol layer to a destination having a destination protocol layer, wherein the triggered ECN event is detectable at the source, and the destination; and,

a policy mechanism to determine at least one channel of the plurality of related channels other than the congested channel to have decreased transmission of packets therethrough based on the ECN event for alleviating the congestion.

For the reasons set forth above with reference to claim 1, the cited references Chuah and Newman neither individually or in combination thereof teach or suggest "a network layer having a plurality of related channels therethrough, and triggering an ECN event in response to congestion within one of the plurality of related channels during transmission of a packet from a source protocol layer to a destination having a destination protocol layer, <u>wherein the triggered ECN event is detectable at the source, and the destination</u>" as recited in claim 12. (Emphasis added). Also, for the reasons set forth above with reference to claim 1, the cited references Chuah and Newman neither individually or in combination thereof teach or suggest "a policy mechanism<u> to determine at least one channel of the plurality of related channels</u> other than the congested channel to have decreased transmission of packets therethrough <u>based on the ECN event for alleviating the congestion</u>."

Since the cited references, individually or when combined, fail to describe at least one feature recited in claim 12, Applicants believe claim 12 as amended is not subject to a 103(a) rejection and request the objection be withdrawn. Thus, claim 12 should be allowable over the cited art.

Claim 24

As amended, claim 24 is directed to a computer to execute a program which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels other than the congested channel to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 24 recites as follows:

A computer comprising:

a processor;

a computer-readable medium;

a protocol layer having a plurality of related channels including a congested channel;

a congestion policy program executed by the processor from the medium, wherein the congestion policy program is responsive to an ECN event triggered within the congested channel due to a congestion during transmission of packets from a source to a destination

and wherein the ECN event is detectable within the source and the destination for
determining at least one channel of the plurality of related channels other than the
congested channel to have decreased transmission of packets therethrough based on an
ECN event triggered within the congested channel to alleviate the congestion.

For the reasons set forth above with reference to claim 1 the cited references Chuah and
Newman neither individually or in combination thereof teach or suggest "a congestion policy
program executed by the processor from the medium, wherein the congestion policy program is
responsive to an ECN event triggered within the congested channel due to a congestion during
transmission of packets from a source to a destination and <u>wherein the ECN event is detectable
within the source and the destination.</u>" (Emphasis added). Also, for the reasons set forth above with
reference to claim 1, the cited references Chuah and Newman neither individually or in combination
thereof teach or suggest "a congestion policy program ... for <u>determining at least one channel of the
plurality of related channels other than the congested channel</u> to have decreased transmission of
packets therethrough <u>based on an ECN event triggered within the congested channel</u> to alleviate the
congestion."

Since the cited references, individually or when combined, fail to describe at least one feature
recited in claim 24, Applicants believe claim 24 as amended is not subject to a 103(a) rejection and
request the objection be withdrawn. Thus, claim 24 should be allowable over the cited art.

Claim 29

As amended, claim 29 is directed to machine-readable medium for causing the performance
of a method which alleviates congestion in a network with an aggregate of related channels by
selecting at least one of the related channels to have a decreased amount of communication packets
transmitted therethrough. More particularly, amended claim 29 recites as follows:

A machine-readable medium having processor instructions stored thereon for execution by a
processor, the medium causing performance of a method comprising:
        receiving feedback of the ECN event triggered due to a congestion occurrence in one
of a plurality of related channels during transmission of a packet from a source protocol
layer to a destination protocol layer via a network, wherein the feedback is detectable at
the source and the destination; and,
        determining at least one channel to have decreased packets transmitted therethrough,
based on the ECN event for alleviating the congestion.

For the reasons set forth above with reference to claim 1, the cited references Chuah and
Newman neither individually or in combination thereof teach or suggest "A machine-readable

medium ... causing performance of a method comprising: <u>receiving feedback of the ECN event</u> triggered due to a congestion occurrence in one of a plurality of related channels during transmission of a packet from a source protocol layer to a destination protocol layer via a network, <u>wherein the feedback is detectable at the source and the destination</u>." (Emphasis added). Also, for the reasons set forth above with reference to claim 1, the cited references Chuah and Newman neither individually or in combination thereof teach or suggest "A machine-readable medium ... causing performance of a method comprising: <u>determining at least one channel to have decreased packets transmitted therethrough, based on the ECN event for alleviating the congestion.</u>" (Emphasis added).

Since the cited references, individually or when combined, fail to describe at least one feature recited in claim 29, Applicants believe claim 29 as amended is not subject to a 103(a) rejection and request the objection be withdrawn. Thus, claim 29 should be allowable over the cited art.

Claim 41

As amended claim 41 is directed to a computer which alleviates congestion in a network with an aggregate of related channels by selecting at least one of the related channels to have a decreased amount of communication packets transmitted therethrough. More particularly, amended claim 41 recites as follows:

> A computer comprising:
>> a source protocol layer;
>> a plurality of filters;
>> a plurality of channels, each channel associated with a filter and related to the
> other channels; and,
>> a policy mechanism responsive to an ECN event triggered due to a congestion during
> transmission of packets from the source protocol layer to a destination protocol layer via
> a network layer, wherein the ECN event is detectable within the source protocol layer and
> the destination protocol layer for determining, based on the ECN event, at least one
> channel of the plurality of channels to have decreased packets transmitted therethrough
> from the source protocol layer through the plurality of filters to alleviate the congestion.

For the reasons set forth above with reference to claim 1, the cited references Chuah and Newman neither individually or in combination thereof teach or suggest "a policy mechanism responsive to <u>an ECN event ...wherein the ECN event is detectable within the source protocol layer and the destination protocol layer.</u>" (Emphasis added). Also, for the reasons set forth above with reference to claim 1, the cited references Chuah and Newman neither individually or in combination

thereof teach or suggest "a policy mechanism responsive to an ECN event … for <u>determining, based</u> <u>on the ECN event, at least one channel of the plurality of channels to have decreased packets</u> <u>transmitted therethrough.</u>"

Since the cited references, individually or when combined, fail to describe at least one feature recited in claim 29, Applicants believe claim 29 as amended is not subject to a 103(a) rejection and request the objection be withdrawn. Thus, claim 29 should be allowable over the cited art.

Claims 2-3, 5-11, 13-16, 18-23, 25-28, 30-31, 33-40, and 42-43

Claims 2-3, and 5-11 ultimately depend on claim 1, claims 13-16, 18-23 ultimately depend on claim 12, claims 25-28, ultimately depend on claim 24, claims 30-31, 33-40 ultimately depend on claim 29 and claims 42-43 ultimately depend on claim 41. Thus, at least for the reasons set forth above with regard to claims 1, 12, 24, 29 and 41 claims 2-3, 5-11, 13-16, 18-23, 25-28, 30-31, 33-40, and 42-43 should be in condition for allowance.

Patentability of claims 2, 22, 23, 28, 30, and 42 over Chuah in view of Newman and further in view of Odlyzko under § 103(a)

The Action rejects claims 2, 22, 23, 28, 42, and 43 under 35 U.S.C 103(a) as unpatentable over Chuah in view of Newman and further in view of Odlyzko. Claims 2, 22, 23, 28, 42, and 43 should already be patentable for the reasons set forth above. However, the Applicants would like to address the Action's combination of Chuah and Newman references with Odlyzko. Applicants respectfully submit that the combination of Odlyzko with Chuah and Newman is improper and thus, so is the rejection of claims 2, 22, 23, 28, 30, 42, and 43 in their present form.

One of the basic criteria to establish a *prima facie* case of obviousness requires that "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings." (*See,* MPEP § 2142). More particularly, "it is improper to combine references where the references teach away from their combination." (*See,* MPEP § 2145 (x)(D)(2)).

Odlyzko teaches away from the invention and Chuah and Newman references. Odlyzko is directed to a method of regulating network traffic by allowing users to "select a channel that provides the subjectively optimal balance of cost and perceived quality." (*See,* Odlyzko Abstract). As taught in Odlyzko, the selection of channels according to pricing criteria is done prior to

transmission of the packet. (*See*, e.g., Odlyzko at Col. 6, Lns 57-64 stating "the channel selection could be designated by a channel selection option field in the options and padding region 96 of the IP header. The value of the Precedence field is advantageously set before the packet is transmitted, thereby providing predictable pricing and preventing ad-hoc arbitrage (i.e., selecting the channel at the router based on congestion metrics).") (Emphasis added).

However, the Chuah and Newman references teach methods of regulating network traffic based on occurrence of congestion within a network and adjusting transmission rates to address the congestion. One skilled in the art looking to improve Chuah and Newman references would not find the motivation to combine these references with Odlyzko because Odlyzko specifically teaches away from "selecting the channel at the router based on congestion metrics." (*See*, e.g., Odlyzko at Col. 6, lns. 60-64). Also, the specification clearly describes "wherein determining at least one channel to have decreased packets transmitted therethrough comprises determining the at least one channel based on a congestion pricing criteria" by stating as follows at page 20, lns 15-20:

> The basic framework of a congestion pricing criteria according to one embodiment of the invention has two primary elements. First, the network supplies feedback to the users ... which reflects the cost of congestion (more precisely, the shadow price of congestion) ... It is assumed that the cost of congestion is the number of lost packets. (Emphasis added).

Thus, the "congestion pricing criteria" recited by the claims depend on "congestion metrics," which was explicitly discouraged by the Odlyzko. Therefore, one seeking to improve Chuah and Newman to arrive at the combination as claimed would find that Odlyzko would teach away from such a combination.

The combination of Chuah and Newman with Odlyzko is thus improper and the Applicants respectfully request the rejection of claims 2, 22, 23, 28, 42, and 43 under this improper combination be withdrawn.
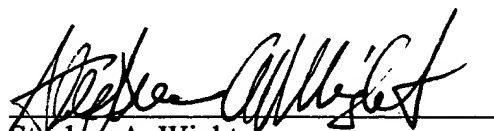
Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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